

GEORGIA PESTANA  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW**  
**DEPARTMENT**  
100 CHURCH STREET  
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September 21, 2021

**VIA ECF**

Honorable Katherine Polk Failla  
United States District Court  
Southern District of New York  
40 Foley Square Rm. 2103  
New York, New York 10007

**MEMO ENDORSED**

Re: *A.K. v. New York City Dep't of Educ.*, 21-cv-4428(KPF)(DCF)

Dear Judge Failla:

I am a Senior Assistant Corporation Counsel in the office of Corporation Counsel, Georgia Pestana, supervising attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.*, as well as for this action. In accordance with Your Honor's Order (ECF 11), Defendant submits this response to Plaintiff's request for a 90-day stay of this action (ECF 10), and to adjourn the September 21 conference.

Defendant joins Plaintiff's apology for the parties failure to timely request the stay prior to the date for submission of proposed Case Management Plan, and the inconvenience caused for the Court. This administrative error occurred, for Defendants, after the retirement of the formally assigned attorney, together with the difficulties my office had in reassigning his cases after the well-publicized hack of the Law Department's systems, combined with the remote work model.

My office and Ms. Roller typically agree to ask that any initial conference be adjourned *sine die* to relieve the Court of the burden to its calendar, thus we respectfully request that the Conference be adjourned *sine die*, and that the parties submit a status letter by December 21, 2021 informing the Court either that the case has been fully resolved, or, proposing a briefing schedule.

Thank you for considering this submission.

Respectfully submitted,

/s/

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Martin Bowe  
Senior Assistant Corporation Counsel

cc: Irina Roller, Esq. (via ECF)

The Court is in receipt of Defendant's above letter. Given that Defendant joins in Plaintiffs' request for a stay of this action, the Court hereby ORDERS that this action is stayed pending further Order of the Court. The parties are directed to submit a status letter on or before December 21, 2021.

Dated: September 21, 2021  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE